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In re Application of	:	
MARY M. BENDIG et al.	:	DECISION ON
Application No.: 09/155,739	:	
PCT No.: PCT/US96/18807	:	PETITION
Int. Filing Date: 21 November 1996	:	
Priority Date: 21 November 1995	:	UNDER 37 CFR 1.137(b)
Attorney's Docket No.: 015270-001430US	:	
For: THERAPEUTIC USES OF HUMANIZED	:	
ANTIBODIES AGAINST ALPHA-4 INTEGRIN	:	

This decision is in response to applicants' "PETITION TO REVIVE UNINTENTIONALLY ABANDONED APPLICATION" under 37 CFR 1.137(b) filed 11 September 1998 and the petition for filing date filed 21 May 1998.

**BACKGROUND**

On 21 November 1996, applicants filed international application No. PCT/US96/18807 which claimed a priority date of 21 November 1995, and which designated the United States.

On 10 June 1997, a Demand was filed with the International Preliminary Examining Authority electing the United States. Accordingly, the deadline for filing the national stage application was extended to expire 30 months after the priority date or 21 May 1998.

On 11 September 1998, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, a copy of the international application and an executed declaration along with the instant petition to revive. Applicants authorized the

petition fee of \$1,320.00 and any additional fees to be charged to their deposit account no. 20-1430. The international application was assigned U.S. serial number 09/155,739.

On 21 May 1999, applicants filed a "PETITION FOR FILING DATE UNDER 37 CFR §1.53" requesting that the above-captioned application be given 35 U.S.C. 371 status with a filing date of 11 September 1998. These papers were assigned U.S. serial number 09/308,487.

### DISCUSSION

A petition under 37 CFR 1.137(b) requesting that the application be revived on the grounds of unintentional delay must be accompanied by (1) a proper reply, (2) the petition fee required by law, (3) a statement that the "entire delay in filing the required reply from the due date for the reply to the filing of a grantable petition pursuant to this paragraph was unintentional", and (4) any terminal disclaimer and fee required pursuant a to 37 CFR 1.137(c).

As to Item (1), the proper reply, the basic national fee of \$930.00, was submitted. With regard to Item (2), the appropriate petition fee of \$1,320.00 will be charged to applicants' deposit account.

Applicants' statement that "the entire delay, including the delay from the due date from the reply through the date of this Petition, was unintentional" meets the requirement of 37 CFR 1.137(b)(3). The terminal disclaimer is not required in this application since it was filed after 08 June 1995.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, all of the requirements of 37 CFR 1.137(b) for revival have been submitted.

### CONCLUSION

All of the requirements of 37 CFR 1.137(b) have been met and applicant's petition to revive is **GRANTED**.

U.S. application 09/155,739 has an international filing date of 21 November 1997 under 35 U.S.C. 363 and a 35 U.S.C.102(e) and 371(c) date of **11 September 1998**.

This application is being forwarded to the United States Designated/Elected Office for further processing. The papers in U.S. application 09/308,487 have been transferred to application no. 09/155,739. The application will then be forwarded to the appropriate

Technology Center for examination in due course.



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